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May 31, 1994

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Hon. Reed E. Hundt  
Chairman  
Federal Communications Commission  
Room 802  
1919 M Street, N.W.  
Washington, D.C. 20554

Re: *Amendment of Part 74 of the Commission's Rules Governing Use of the  
Frequencies in the Instructional Television Fixed Service -- MM Docket No. 93-  
106 -- Ex Parte Communication*

Dear Chairman Hundt:

Earlier this month, the Commission took a significant step towards making cable television more "user friendly" when it adopted rules in ET Docket No. 93-7 that eventually will restore the ability of cable subscribers to utilize advanced television features such as picture-in-picture viewing, sequential recording of programs on multiple channels, and the viewing of one program while recording another. I am writing on behalf of The Wireless Cable Association International, Inc. ("WCAI") both to applaud the Commission's actions and to remind the Commission that unless action is taken in MM Docket No. 93-106, the Commission's Rules governing the use of leased excess capacity on Instructional Television Fixed Service ("ITFS") stations will continue to deprive wireless cable subscribers of the same benefits.

The linchpin of the Commission's action in ET Docket No. 93-7 is the requirement that cable systems descramble their offerings in such a manner that all signals are passed "in the clear" to the consumer's receiver, video cassette recorder or other tuning device. Once that new requirement is implemented, cable subscribers will be able to enjoy the advanced features of their equipment that are currently foreclosed to them. As an industry that must provide consumers with service far superior to that offered by entrenched cable operators in order to be viable, wireless cable needs to provide its subscribers with the ability to access all of the advanced features cable subscribers will soon enjoy.

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Unfortunately, the Commission's mandate that ITFS licensees transmit educational programming on each of their channels effectively precludes a wireless cable operator from passing all of its signals "in the clear" to the consumer's tuners. Although each leased ITFS channel is utilized part time for educational programming and part time for commercial programming, wireless cable operators have developed a technology known as "channel mapping" that provides the appearance that a particular channel is devoted exclusively to educational programming or to commercial programming. Although each manufacturer implements channel mapping in a somewhat different fashion, the effect is the same -- whenever a wireless cable set-top box is tuned to a given channel, the particular programming service associated with that channel is displayed, regardless of what particular ITFS channel that programming service is being transmitted over at the time. For example, while a wireless cable operator may transmit CSPAN over ITFS channel A1 during part of the day, and move CSPAN to ITFS channel A2 when the ITFS licensee is using A1 for the transmission of educational programming, CSPAN will always be displayed by tuning the set-top box to the particular channel assigned by the wireless cable operator to CSPAN. As WCAI has established in earlier submissions, channel mapping is mandated by educators, by wireless cable subscribers, and by programmers, none of whom want programming shunted from channel to channel. Yet, there is no viable mechanism for wireless cable operators that channel map to provide consumers with all of their signals "in the clear."

In MM Docket No. 93-106, the Commission can take a significant step towards leveling the playing field by permitting what is known as "channel loading" and reducing the need for wireless cable operators to engage in channel mapping. The Commission has before it a carefully-crafted compromise endorsed by WCAI, the National ITFS Association and all but one commenting party proposing rules implementing channel loading. Under those proposed rules, ITFS licensees would have the flexibility (a) to meet their cumulative minimum programming requirements on as few as one of their channels, and (b) to satisfy the Commission's mandatory ITFS recapture requirements on any channel in the wireless cable system, regardless of whether it is the licensee of that channel.

As with any compromise, this one is not perfect -- WCAI would have preferred rules permitting an ITFS licensee to satisfy even its minimum use requirements on any channel in the system, regardless of whether that channel is licensed to the particular licensee. Such rules would maximize the ability of ITFS licensees in a given market to coordinate their schedules and provide their wireless cable partner with the greatest number of channels for full time commercial use. While the compromise before the Commission deprives ITFS licensees of the flexibility to maximize the number of channels available for full time commercial use, it will allow the ITFS licensees in an area to carefully coordinate their programming schedules to create

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full time educational channels and provide their wireless cable partner with a substantial number of full time commercial programming channels.

Simply put, with the cooperation of the ITFS community, adoption by the Commission of the channel loading compromise can obviate the need for channel mapping by many wireless cable system operators. This will not only reduce the cost of wireless cable transmission and reception equipment and improve system reliability, it will also eliminate a significant impediment to the ability of wireless operators to pass all of their signals "in the clear" from their descramblers to subscribers' tuners. Thus, WCAI urges the Commission to extend the policy objective of ET Docket No. 93-7 and adopt the channel loading compromise in full.

Respectfully submitted,



Paul J. Sinderbrand

Counsel to The Wireless Cable Association  
International, Inc.

cc: Hon. James H. Quello  
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Office of the Secretary (2 copies for inclusion in docket)